

Notice of Allowability

Application No.

09/939,911

Examiner

Jennifer Liversedge

Applicant(s)

WILCE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/21/2006.
2. ☒ The allowed claim(s) is/are 17-23 and 41-55.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's response and Appeal Brief filed August 21, 2006.

Allowable Subject Matter

Claims 17-23 and 41-55 allowed. The following is an examiner's statement of reasons for allowance: the prior art fails to teach or suggest the limitations of the independent claims.

Independent claim 17 discloses a method for using an agreement modeling system in which an agreement associated with a term data is received; subsequent receipt of a retroactive modification to the agreement; storing information related to the agreement term, retroactive modification and modification date; receiving a query which comprises an indication of query date where the query date is a date other than the date on which the query is received and wherein the transaction date is different than the query date; determining applicability of an agreement term for the transaction as of the query date based at least in part on a comparison of the term date, transaction date, modification date, and query date; and providing an indication of the determination. Dependent claims 18-23 and 41-51 are allowable as they follow from the allowable independent claim 17.

Independent claim 52 discloses an apparatus for using an agreement modeling system with a processor and storage device in order to receive an agreement

associated with a term data and subsequent receipt of a retroactive modification to the agreement; storing information related to the agreement term, retroactive modification and modification date; receiving a query which comprises an indication of query date where the query date is a date other than the date on which the query is received and wherein the transaction date is different than the query date; determining applicability of an agreement term for the transaction as of the query date based at least in part on a comparison of the term date, transaction date, modification date, and query date; and providing an indication of the determination. Dependent claims 53-54 are allowable as they follow from the allowable independent claim 52.

Independent claim 55 discloses a medium storing instructions for using an agreement modeling system to receive an agreement associated with a term data and subsequent receipt of a retroactive modification to the agreement; storing information related to the agreement term, retroactive modification and modification date; receiving a query which comprises an indication of query date where the query date is a date other than the date on which the query is received and wherein the transaction date is different than the query date; determining applicability of an agreement term for the transaction as of the query date based at least in part on a comparison of the term date, transaction date, modification date, and query date; and providing an indication of the determination.

The primary difference between the claimed invention and the prior art is the use of a query date which is different from the date on which the query is made, and an indication of a transaction date where the transaction date is different that the query

date and wherein an agreement, subject to a retroactive modification, is reviewed based on the query date in order to make a determination of transaction applicability.

The prior art discloses a system and method for managing contracts, such as is shown in Pub. No. 2002/0010686 A1 to Whitesage in which contract terms are defined and stored in a database and wherein transactions are performed. However, Whitesage does not disclose the use of a query date which is different from the date on which the query is made, and an indication of a transaction date where the transaction date is different that the query date and wherein an agreement, subject to a retroactive modification, is reviewed based on the query date in order to make a determination of transaction applicability.

U.S. Patent No. 5,692,206 to Shirley et al. also discloses the method for automating the generation of a legal document, in which addendums can be added or revisions can be made and stored as a new revision to the original document with red-line features. However, Shirley does not disclose the use of a query date which is different from the date on which the query is made, and an indication of a transaction date where the transaction date is different that the query date and wherein an agreement, subject to a retroactive modification, is reviewed based on the query date in order to make a determination of transaction applicability.

"Internet Library Enables Users to Surf the Web's Past; Group Adds Dimension of Time to the Internet by Developing a Collection of Election 2000 Web Sites" in Business Wire discloses the use of "web crawler" in which users can view web sites as they were in the past, from any given query date, the query date being different from the

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date on which the query is made. However, use of such "web crawlers", commonly known in this instance as The Wayback Machine, provide users with access to information based on any query date in which results show what the web page looked like on that date and modifications are not shown, the original saved view is saved. Therefore, Business Wire does not disclose the use of a query date which is different from the date on which the query is made, and an indication of a transaction date where the transaction date is different than the query date and wherein an agreement, subject to a retroactive modification, is reviewed based on the query date in order to make a determination of transaction applicability.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER